

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHNNY LEE SLOAN, JR.,

Plaintiff,

v.

T. CISNEROS, et al.,

Defendants.

No. 1:21-cv-01477-JLT-EPG (PC)

ORDER ADOPTING SCREENING
FINDINGS AND RECOMMENDATIONS

(Docs. 22, 23)

The assigned magistrate judge issued findings and recommendations related to the screening of the complaint. (Doc. 23). Plaintiff has not filed objections or otherwise responded to the findings and recommendations.

According to 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and proper analysis. Thus, the Court

ORDERS:

1. The findings and recommendations issued on September 7, 2022, (Doc. 23), are **ADOPTED IN FULL.**
2. This case proceed on Plaintiff's Eighth Amendment claims against defendants Talley, Mata, and Gonzales for deliberate indifference to his serious medical needs.

- 1 3. To the extent Plaintiff brings Eighth Amendment deliberate indifference claims
- 2 against any other defendant based on allegations that he was not provided with a
- 3 new wheelchair, these claims are **DISMISSED** with prejudice.
- 4 4. Plaintiff's First Amendment retaliation claim against defendants G. Martinez,
- 5 Gibson, Rhoads, Ramos, Metts, R. Martinez, and Mata based on allegations that
- 6 they retaliated against Plaintiff because Plaintiff filed 602s/grievances against
- 7 defendants Talley and Mata are **DISMISSED** with prejudice.
- 8 5. Plaintiff's Fourteenth Amendment claim based on allegations that Plaintiff did not
- 9 receive due process during the disciplinary hearing conducted by defendant R.
- 10 Martinez on the Rules Violation Report for Disrespect without Potential for
- 11 Violence/Disruption that was drafted by defendant G. Martinez **DISMISSED** with
- 12 prejudice.
- 13 6. Plaintiff's claims based on the processing of the 602s/grievances that he filed
- 14 against defendants Talley and Mata are **DISMISSED** with prejudice.
- 15 7. Plaintiff's claim against defendant Talley based on allegations that funds were
- 16 unlawfully deducted from his account is **DISMISSED** with prejudice.
- 17 8. Plaintiff's second, third, fourth, and fifth claims are **DISMISSED** without
- 18 prejudice as unrelated.
- 19 9. Claim six is **DISMISSED** with prejudice to the extent it is based on: Plaintiff's
- 20 allegations that he was not provided with a new wheelchair; Plaintiff's allegations
- 21 that he was retaliated against because he filed 602s/grievances against defendants
- 22 Talley and Mata; Plaintiff's allegations that he did not receive due process during
- 23 the disciplinary hearing conducted by defendant R. Martinez on the Rules
- 24 Violation Report for Disrespect without Potential for Violence/Disruption that was
- 25 drafted by defendant G. Martinez; Plaintiff's allegations that the 602s/grievances
- 26 that he filed against defendants Talley and Mata were not properly processed; and
- 27 Plaintiff's allegations that defendant Talley caused funds to be deducted
- 28 unlawfully from his account.

- 1 10. Claim six is **DISMISSED** without prejudice as unrelated, to the extent it is based
- 2 on any other conduct.
- 3 11. Plaintiff's state law claims against defendants Talley, Gonzales, Mata, G.
4 Martinez, Metts, and R. Martinez are **DISMISSED**. with prejudice.
- 5 12. Plaintiff's state law claims against defendants Gibson, Rhoads, and Ramos are
6 **DISMISSED** with prejudice to the extent the claims are based on the allegation
7 that they retaliated against Plaintiff because Plaintiff filed 602s/grievances against
8 defendants Talley and defendant Mata.
- 9 13. All other state law claims are **DISMISSED** without prejudice as unrelated.
- 10 14. The Clerk of Court is directed to reflect the dismissal of all defendants on the
11 Court's docket, except defendants Talley, Mata, and Gonzales.

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13 IT IS SO ORDERED.

14 Dated: October 24, 2022


UNITED STATES DISTRICT JUDGE

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